

Exhibit 1

Filed Under Seal

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Case No.: 20-CV-954

FARHAD AZIMA,)
)
Plaintiff,)
)
vs.)
)
NICHOLAS DEL ROSSO and VITAL)
MANAGEMENT SERVICES, INC.,)
)
Defendants.)

DEPOSITION OF NICHOLAS DEL ROSSO

Volume I

Contains Confidential Testimony

2:07 P.M.

Monday, February 13, 2023

By: Lisa Taylor, RPR

A P P E A R A N C E S

On behalf of the Plaintiff:

MILLER & CHEVALIER CHARTERED

BY: KIRBY D. BEHRE, ESQ.

IAN HERBERT, ESQ.

900 16th Street NW
Washington, DC 20006
(202) 626-5800
kbehre@milchev.com
iherbert@milchev.com

WOMBLE BOND DICKINSON (US), LLP

BY: CHRISTOPHER W. JONES, ESQ.

555 Fayetteville Street
Suite 1100
Raleigh, NC 27601
(919) 755-2100
chris.jones@wbd-us.com

On behalf of the Defendants:

NELSON, MULLINS, RILEY & SCARBOROUGH, LLP

BY: BRANDON S. NEUMAN, ESQ.

JOHN BRANCH, III, ESQ.

- (via videoconference)

MATT GORGA, ESQ.

301 Hillsborough Street
Suite 1400
Raleigh, NC 27603
(919) 329-3800
brandon.neuman@nelsonmullins.com
john.branch@nelsonmullins.com
matt.gorga@nelsonmullins.com

NELSON, MULLINS, RILEY & SCARBOROUGH, LLP

BY: SAMUEL ROSENTHAL, ESQ.

101 Constitution Ave NW
Suite 900
Washington, DC 20001
(202) 689-2951
sam.rosenthal@nelsonmullins.com

1 2014?

2 A. To the best of my recollection, yes.

3 Q. And that agreement lasted until the
4 summer of 2019, when The Ruler told you Dechert had
5 been relieved of its duties; correct?

6 A. Correct, yes.

7 Q. Who did you invoice for the work that
8 you did for Dechert during those five years?

9 A. Dechert, I believe.

10 Q. And who at Dechert got the -- your
11 invoices?

12 A. (Indiscernible due to overtalking.)

13 Q. And how did you --

14 COURT REPORTER: I'm sorry. I
15 didn't -- you were talking at the same time.

16 MR. BEHRE: Sorry.

17 COURT REPORTER: I didn't get the
18 answer.

19 THE WITNESS: Neil Gerrard, G-E double
20 R-A-R-D.

21 BY MR. BEHRE:

22 Q. And how did you send those invoices to
23 Neil Gerrard?

24 A. E-mail.

25 Q. And did those e-mails go to his e-mail

1 address at the Dechert law firm?

2 A. Yes.

3 Q. And did he have an administrative
4 assistant who received those and processed those for
5 you?

6 A. I -- I don't know what -- what
7 happened to them after I sent them.

8 Q. Did there ever come a time when you
9 had to follow up or, as they say in the UK, chase
10 for payment of your bill?

11 A. Well, follow up and chase, yes.

12 Q. You did follow up and chase?

13 A. Yes.

14 Q. Just like most of us; right?

15 A. Right.

16 Q. And who did you chase when you had to
17 chase?

18 A. Neil.

19 Q. And was he able to assist you in
20 getting payments that might have been behind pay --
21 you know, overdue?

22 A. I know that I got paid eventually, so
23 he must have, but I don't know what he did.

24 Q. You're familiar with Jamie Buchanan,
25 you've already testified; right?

1 A. Yes, I am the person to ask, but it
2 doesn't mean to say that I am the person who can
3 remember all of this. I'm -- I don't know the
4 numbers now.

5 Q. Your wife's not involved in the
6 bookkeeping or the accounting; right?

7 A. She is not.

8 Q. Do you have an outside accountant that
9 provides you services?

10 A. He does my tax return, does the
11 company tax return, yes.

12 Q. What is Gravitas International?

13 MR. NEUMAN: Objection. Scope. Lacks
14 foundation.

15 THE WITNESS: I thought it was -- I
16 thought -- what had I thought? You'll have
17 to excuse me.

18 Gravitas International was a private
19 company owned by Jamie Buchanan.

20 BY MR. BEHRE:

21 Q. And they're involved in the balloon
22 industry, aren't they?

23 MR. NEUMAN: Objection. Lacks
24 foundation.

25

1 and ambiguous. Argumentative.

2 THE WITNESS: Yes.

3 BY MR. BEHRE:

4 Q. But you, in fact, have e-mails that
5 are responsive to our requests; right?

6 MR. NEUMAN: Objection to form. To
7 the extent you're asking for information that
8 would be privileged based on my law firm's
9 communications with Mr. Del Rosso about his
10 data, I would instruct him not to answer.

11 MR. BEHRE: Nobody asked him that
12 question.

13 BY MR. BEHRE:

14 Q. But do you have e-mails that are
15 responsive to our document requests?

16 MR. NEUMAN: Objection to form. Calls
17 for speculation.

18 THE WITNESS: I don't know.

19 BY MR. BEHRE:

20 Q. Have you made any effort to search for
21 documents or data that is responsive to our requests
22 for documents?

23 A. I've instructed my lawyers to do that.

24 Q. And do you -- do you have a database
25 of information regarding Project Nariman that you

1 could look at to determine whether you have anything
2 that is responsive to our requests?

3 MR. NEUMAN: Objection to form.

4 THE WITNESS: No.

5 MR. NEUMAN: Calls for a legal
6 conclusion.

7 BY MR. BEHRE:

8 Q. Do you have your own copies of bank
9 records regarding the operation of Vital?

10 A. I'm sure that I do, yeah.

11 Q. Do you have agreements that you
12 entered into in support of your work for Dechert and
13 RAK?

14 MR. NEUMAN: Objection to form.

15 THE WITNESS: Quite possibly, yes.

16 BY MR. BEHRE:

17 Q. And do you have text message that --
18 text messages that relate to the work that you did
19 for RAK?

20 MR. NEUMAN: Objection to form.

21 THE WITNESS: Text messages?

22 BY MR. BEHRE:

23 Q. Yes.

24 A. No.

25

1 Q. Do you have any other type of
2 messages, e-mail, Whatsapp, Signal, Confide, or
3 those types of programs?

4 MR. NEUMAN: Objection to the scope of
5 the question. Vague and ambiguous. Overly
6 broad.

7 THE WITNESS: In relation to RAK,
8 all -- all of the work I've done for RAK?

9 MR. BEHRE: Yes.

10 THE WITNESS: Yes, I imagine I do,
11 yep.

12 BY MR. BEHRE:

13 Q. And do you have copies of
14 communications you had with Amir Handjani about this
15 matter?

16 MR. NEUMAN: Objection to form.
17 Scope. Vague and ambiguous.

18 THE WITNESS: I don't know. We
19 communicated on Signal when -- up until when
20 we stopped communicating.

21 BY MR. BEHRE:

22 Q. Do you retain your Signal records?

23 A. I don't know how to other than to
24 photograph them.

25 Q. Well, do you still have Signal on your

1 BY MR. BEHRE:

2 Q. Who hired NTi?

3 A. NTi were hired through Chris Swecker,
4 my attorney, by VMS, Vital Management.

5 Q. I thought you -- you or your lawyer
6 said it was on behalf of Dechert?

7 A. (Indiscernible due to overtalking.)

8 MR. NEUMAN: That's an objection to
9 form. Misstates testimony.

10 THE WITNESS: Sorry.

11 MR. BEHRE: I couldn't hear the
12 answer.

13 THE WITNESS: It was at Dechert's
14 instruction.

15 BY MR. BEHRE:

16 Q. So Mr. Swecker was working at the
17 direction of Dechert?

18 A. I was. Mr. Swecker was my attorney,
19 and I asked him to engage NTi.

20 Q. And who retained NTi?

21 A. I did or my company did.

22 Q. And did you -- do you recall
23 approximately what date you retained them?

24 A. I can't now without the -- without the
25 e-mails that showed when I was -- I don't remember

1 the dates.

2 Q. But you still have those e-mails;
3 right?

4 A. Yes.

5 Q. And do you have a written agreement
6 with NTi?

7 A. Again, I can't recall now.

8 Q. Does Mr. Swecker have a written
9 agreement with NTi?

10 A. I don't know.

11 Q. Does Dechert have a written agreement
12 with NTi?

13 A. It's possible.

14 Q. Do you know?

15 A. I don't know.

16 Q. What precisely was the scope of your
17 work as directed by Dechert regarding NTi?

18 MR. NEUMAN: Same objection to the
19 extent that it would divulge attorney-client
20 privileged communication between Dechert's --
21 Dechert and Mr. Del Rosso or his company in
22 relation to its representation of RAK and
23 instruct him not to answer on that basis.

24 BY MR. BEHRE:

25 Q. And is that your representation?

1 Q. The first one in New York.

2 MR. NEUMAN: Lacks foundation.

3 THE WITNESS: I don't know. I don't
4 know.

5 BY MR. BEHRE:

6 Q. And would you have travel records that
7 would show your travel to New York for those
8 meetings?

9 A. Yes.

10 MR. NEUMAN: Objection. Form.

11 BY MR. BEHRE:

12 Q. And would those have been billed onto
13 whoever you were sending your bills to at the time,
14 which I assume is Dechert?

15 A. Yes.

16 Q. Was it Dechert that you were sending
17 your bills to?

18 A. Yes.

19 MR. NEUMAN: Objection. Scope. Same
20 objection.

21 THE WITNESS: Sorry. I keep...

22 BY MR. BEHRE:

23 Q. And were you being paid a monthly
24 retainer plus costs? Is that what financial
25 arrangement was?

1 MR. NEUMAN: Objection to form.

2 THE WITNESS: No. Why? No.

3 BY MR. BEHRE:

4 Q. You haven't taken any steps to
5 preserve the data that is in that e-mail address?

6 A. Why would I? No.

7 MR. NEUMAN: Objection to form.

8 THE WITNESS: No.

9 BY MR. BEHRE:

10 Q. What about the e-mail address
11 ndr100@use.com?

12 A. Usa.com.

13 Q. Is that your e-mail address?

14 A. It is, yes.

15 Q. And do you still maintain that e-mail
16 account?

17 A. I think so, yes.

18 Q. And have you taken any steps to
19 preserve any data on there that might be responsive
20 to our requests in this case?

21 MR. NEUMAN: Same objection.

22 THE WITNESS: I haven't.

23 BY MR. BEHRE:

24 Q. Have you provided any third party with
25 access, log-in information for either of these two

1 addresses so they could preserve it?

2 MR. NEUMAN: Objection to form.

3 THE WITNESS: No.

4 MR. NEUMAN: Calls for a legal
5 conclusion.

6 THE WITNESS: Did you say "preserve
7 it"?

8 MR. BEHRE: Yes.

9 THE WITNESS: No.

10 BY MR. BEHRE:

11 Q. How about the e-mail address
12 ndr@vitalmanage.com?

13 A. That's my e-mail address, yes.

14 Q. Do you still use that e-mail address?

15 A. Yes.

16 Q. And have you taken any steps to
17 preserve that e-mail inbox, outbox, whatever?

18 A. Yes.

19 Q. What steps have you taken?

20 MR. NEUMAN: Objection to the extent
21 it calls for attorney-client privileged
22 information.

23 THE WITNESS: I'm sorry. Should I
24 answer that?

25 MR. NEUMAN: I don't want you to share

1 A. Project Nariman. That's what you're
2 asking about.

3 Q. Um-hum. Was -- were there
4 instructions given -- given by Dechert, including by
5 Neil Gerrard, to not retain certain communications
6 and documents regarding the work you were doing for
7 Dechert?

8 A. There was a time when that -- and I
9 don't know who it came from. There was a time when
10 I was asked to return all of the data that I had
11 accumulated that had come from Dechert to Dechert.

12 Q. And so you returned that data to
13 Dechert?

14 A. I haven't yet. It's on one of the
15 devices in London.

16 Q. And who's requested the return of
17 that? Which individual?

18 A. I can't remember now.

19 Q. When was that request made of you?

20 A. It was made -- well, I don't know when
21 exactly it was made. Probably 2019. Because I was
22 asked to return it all at the conclusion of the
23 trial, which I never got to do.

24 Q. And who made that request of you?

25 A. I don't remember.

C E R T I F I C A T E

I, Lisa Taylor, Registered Professional Reporter and notary public certify:

That the foregoing deposition of Nicholas Del Rosso was taken before me at the time and place therein set forth at which time the witness was put under oath by me;

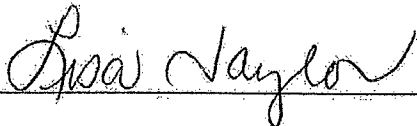
That the testimony of the witness and all objections made at the time of the deposition were recorded stenographically by me and thereafter transcribed;

That the foregoing deposition is a true record of the testimony and of all objections made at the time of the deposition.

I further certify that I am neither counsel for nor related to any party to said action, nor in any way interested in the outcome thereof.

My certification as to the accuracy of this transcript, if it has been reformatted or altered from its original form in any manner, is null and void.

In witness whereof, I have subscribed my name this 16th day of February 2023.



Lisa Taylor
Registered Professional Reporter
Notary Public